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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,644

02/19/2004

Takashi Yoshii

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28289

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05/03/2006

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EXAMINER

LOWE, MICHAEL S

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/782,644	Applicant(s) YOSHII ET AL.	
	Examiner M. Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/077,587.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/6/06, 6/17/04</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected to because the item 52 described on page 17, line 30 of the specification is not found on figure 6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,2,5,7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, lines 7-8 state "one of a front loader and a backhoe attachable to a front and rear" but it is unclear whether a front loader or backhoe is mounted to one of the front and rear or to both. For sake of examination it is assumed applicant meant "one of a front loader and a backhoe attachable to a front or rear".

Re claim 1, applicant recites the limitation "the other of said reinforcing frame connecting members" in line 22. There is insufficient antecedent basis for this limitation in the claim. For sake of examination it is assumed applicant meant line 11 to state "a pair of reinforcing frame connecting members".

Re claim 1, lines 23-24, applicant states "formed in a forward end region of each of said reinforcing frame and each of said front loader post support members". However, it is clear from the drawings, such as figure 8, that the connection is not in a forward end region of the front loader post support members. For sake of examination it is assumed applicant meant only that the connection was on the outer region of the front loader post support members.

Re claim 2, line 7 state "a backhoe attachable to a front and rear" but it is unclear whether a backhoe is mounted to one of the front and rear or to both. For sake of examination it is assumed applicant meant "a backhoe attachable to a front or rear".

Claim 5 recites the limitation "the other of said reinforcing frame connecting members" in line 17. There is insufficient antecedent basis for this limitation in the

claim. For sake of examination it is assumed applicant meant line 13 to state "a pair of elongate reinforcing frame members".

Claim 7 recites the limitation "the other of said reinforcing frame connecting members" in line 9. There is insufficient antecedent basis for this limitation in the claim. For sake of examination it is assumed applicant meant line 10 of claim 2 to state "a pair of reinforcing frame connecting members.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US 5,248,237).

Re claim 1, Nakamura teaches a tractor 1 having a vehicle frame with a pair of right and left elongate frame members (sides of 1) spaced from each other and extending in a longitudinal direction and interconnected in intermediate positions by a cross member (various, 8,9,etc.), an engine 7 supported by the elongate frame members in a front region of the vehicle frame, a rear axle unit (not numbered) connected to rear axle connecting members (not numbered) fixed to the elongate frame members 1 in a rear region of the vehicle frame, and a drive transmitting mechanism 10 for transmitting drive from the engine 7 to the rear axle unit, one of a front loader (not

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numbered) and/or a backhoe 40 being attachable to a front and a rear of the tractor 1 as supported by the vehicle frame, said tractor 1 comprising:

a reinforcing frame unit 4,6 for reinforcing said vehicle frame; and

reinforcing frame connecting members 21,20,26,12,6,28, etc., for connecting said reinforcing frame unit 4,6 to said vehicle frame;

wherein

said reinforcing frame unit 4,6 includes elongate reinforcing frames 4,6 extending along outer faces of said elongate frame members 1, respectively;

said elongate frame members 1 have front loader post support members 20 projecting laterally outwardly of longitudinally intermediate portions thereof; and

one of said reinforcing frame connecting members 28,6,30,31 is formed in a rear end region of each of said reinforcing frames and in a rear end region of each of said elongate frame members in positions spaced horizontally from said rear axle connecting members (not numbered), and the other of said reinforcing frame connecting members 21,etc. is formed in a forward end region of each of said reinforcing frames and each of said front loader post support members 20.

Re claim 2, Nakamura teaches a tractor 1 having a vehicle frame with a pair of right and left elongate frame members (sides of 1) spaced from each other and extending in a longitudinal direction and interconnected in intermediate positions by a cross member (various, 8,9,etc.), an engine 7 supported by the elongate frame members in a front region of the vehicle frame, a rear axle unit (not numbered) connected to rear axle connecting members (not numbered) fixed to the elongate frame

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members 1 in a rear region of the vehicle frame, and a drive transmitting mechanism 10 for transmitting drive from the engine 7 to the rear axle unit, a backhoe 40 attachable to a front and a rear of the tractor 1 as supported by the vehicle frame, said tractor 1 comprising:

a reinforcing frame unit 4,6 for reinforcing said vehicle frame; and

reinforcing frame connecting members 21,20,26,12,6,28, etc., for connecting said reinforcing frame unit 4,6 to said vehicle frame;

wherein:

said reinforcing frame unit 4,6 includes elongate reinforcing frames 4,6 extending along outer faces of said elongate frame members 1, respectively;

said reinforcing frame connecting members 6,28,30,31, etc., are formed in a rear end region of each of said reinforcing frames and in a rear end region of each of said elongate frame members in positions spaced horizontally from said rear axle connecting members; and

said reinforcing frames 4,6 are connected to said rear axle unit in positions spaced from said rear axle connecting members.

Re claim 3, Nakamura teaches a tractor 1 having a vehicle frame with a pair of right and left elongate frame members (sides of 1) spaced from each other and extending in a longitudinal direction and interconnected in intermediate positions by a cross member (various, 8,9,etc.), an engine 7 supported by the elongate frame members in a front region of the vehicle frame, a rear axle unit (not numbered) connected to rear axle connecting members (not numbered) fixed to the elongate frame

members 1 in a rear region of the vehicle frame, and a drive transmitting mechanism 10 for transmitting drive from the engine 7 to the rear axle unit, a backhoe 40 attachable to a front and a rear of the tractor 1 as supported by the vehicle frame, said tractor 1 comprising:

- a reinforcing frame unit 4,6 for reinforcing said vehicle frame; and
- reinforcing frame connecting members 21,20,26,12,6,28, etc., for connecting said reinforcing frame unit 4,6 to said vehicle frame;

wherein:

- said reinforcing frame unit 4,6 includes a cross frame (6,28,30,31,etc.) interconnecting rear end regions of said elongate frame members, said cross frame being positioned behind said rear axle connecting members and spaced horizontally from said rear axle connecting members.

Re claim 4, Nakamura teaches said reinforcing frame unit 4,6 includes a first cross frame (6,28,30,31,etc.) interconnecting rear end regions of said elongate frame members 1 in positions spaced horizontally from and rearwardly of said rear axle connecting members; and a second cross frame (20,21,8,etc.) interconnecting longitudinally intermediate regions of said elongate frame members in positions spaced horizontally from and forwardly of said rear axle connecting members.

Re claim 5, Nakamura teaches a tractor 1 having a vehicle frame with a pair of right and left elongate frame members (sides of 1) spaced from each other and extending in a longitudinal direction and interconnected in intermediate positions by a cross member (various, 8,9,etc.), an engine 7 supported by the elongate frame

members in a front region of the vehicle frame, a rear axle unit (not numbered) connected to rear axle connecting members (not numbered) fixed to the elongate frame members 1 in a rear region of the vehicle frame, and a drive transmitting mechanism 10 for transmitting drive from the engine 7 to the rear axle unit, one of a front loader (not numbered) and/or a backhoe 40 being attachable to a front and a rear of the tractor 1 as supported by the vehicle frame, said tractor 1 comprising:

- a reinforcing frame unit 4,6,26,12 for reinforcing said vehicle frame; and
- reinforcing frame connecting members 21,20,26,12,6,28, etc., for connecting said reinforcing frame unit 4,6,26,12 to said vehicle frame;

wherein:

- said reinforcing frame unit 4,6,26,12 includes elongate reinforcing frames 4,6 extending along outer faces of said elongate frame members 1, respectively;

- one of said reinforcing frames 4,6 is provided in a rear end region of the elongate frame members in positions spaced horizontally from said rear axle connecting members; and the other of said reinforcing frames 12,26 is provided in a front end region of said reinforcing frame unit and in a front end region located forwardly of engine supporting portions 7 of the elongate frame members.

Re claim 6, Nakamura teaches said reinforcing frames 4,6 have backhoe attaching members 29 formed at rear ends thereof.

Re claim 7, Nakamura teaches a front loader is attachable to a front of the tractor 1 as supported by the vehicle frame 1;

said elongate frame members (sides of 1) have front loader post support members 20,21 projecting laterally outwardly of longitudinally intermediate portions thereof; one of said reinforcing frame connecting members (6,28,30,31,etc.) is formed in a rear end region of each of said reinforcing frames 4,6 and in a rear end region of each of said elongate frame members 1 in positions spaced horizontally from said rear axle connecting members, and the other of said reinforcing frame connecting members (20,21,etc.) is formed in a forward end region of each of said reinforcing frames and each of said front loader post support members 20,21; and said reinforcing frames 4,6 are connected to said rear axle unit in longitudinally intermediate positions thereof spaced laterally outwardly from said rear axle connecting members.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is (571) 272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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